

said school, to issue bonds and declaring an emergency."

Have had the same under consideration, and beg to report it back to the Senate, with the recommendation that it do pass, and be not printed.

BEE, Chairman.

TWENTIETH DAY.

Senate Chamber,
Austin, Texas,

Wednesday, Sept. 26, 1917.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Pro Tem. Dean.

The roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Hopkins.
Bee.	Hudspeth.
Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	Johnston of Harris.
Caldwell.	Lattimore.
Clark.	McNealus.
Collins.	Page.
Dayton.	Parr.
Dean.	Robbins.
Decherd.	Smith.
Floyd.	Strickland.
Harley.	Suiter.
Henderson.	Westbrook.

Absent.

Bailey.	McCollum.
Gibson.	Woodward.
Hall.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with, on motion of Senator Alderdice.

Petitions and Memorials.

There were none today.

Committee Reports.

See Appendix.

Bills and Resolutions.

By Senator Henderson:

S. B. No. 43, A bill to be entitled "An Act to amend Chapter 204, page 467, Acts of the Regular Session of

the Thirty-fifth Legislature, relating to agricultural college east of the ninety-sixth meridian and north of the thirty-first parallel," etc.

Read first time and referred to Committee on Educational Affairs.

By Senator Caldwell:

S. B. No. 44, A bill to be entitled "An Act to provide that the General Land Office, the Agricultural Department and such other departments and offices of the State government as may be from time to time determined by the Governor and Superintendent of Public Buildings and Grounds shall occupy the new departmental building now being erected in the city of Austin at the corner of Brazos and East Eleventh streets, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Read first time and referred to Committee on Public Buildings and Grounds.

Simple Resolution No. 27.

Whereas, The Hon. F. O. Fuller, Speaker of the House of Representatives, made an affidavit that he did not vote to locate the new A. & M. College at Abilene; and,

Whereas, The said F. O. Fuller swore on the stand in the House of Representatives that he did not vote for the location of said A. & M. College at Abilene; and,

Whereas, The said F. O. Fuller preferred a charge against James E. Ferguson in the House of Representatives, namely, that the said James E. Ferguson did try to bribe the said F. O. Fuller by loaning him five hundred dollars; and,

Whereas, The Board of Managers evidently did not believe him, as they did not prefer said charges; and,

Whereas, It is the sense of the Senate and the public at large, from the evidence introduced in the House of Representatives before the Committee of the House as a Whole, that the said F. O. Fuller did vote for the location of the said A. & M. College, to be located at Abilene, and thereby perjured himself; therefore be it

Resolved, That the Senate hereby asks the House to expel the said F. O. Fuller from the Legislature, as a perjurer should not be a member of the Texas Legislature.

CLARK.

The resolution was read and Senator Clark moved its adoption.

Senator Hudspeth made the point of order that the resolution is not a proper one in that it reflects upon a member of the House and is not such resolution as may be entertained by this Senate.

The point of order was sustained.

Appeal from Ruling of Chair.

Senator Clark appealed from the ruling of the Chair, and Senator Alderdice was called to the Chair and presided.

Senator Alderdice put the question as follows:

Shall the Chair be sustained?

The roll was called and the Chair was sustained by the following vote:

Yeas—21.

Alderdice.	Hudspeth.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	Lattimore.
Caldwell.	McNealus.
Dayton.	Page.
Decherd.	Robbins.
Floyd.	Smith.
Gibson.	Sulter.
Henderson.	Westbrook.
Hopkins.	

Nays—3.

Clark.	Strickland.
Parr.	

Present—Not Voting.

Dean.	Absent.
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Bailey.	Harley.
Collins.	McCollum.
Hall.	Woodward.

Reasons for Vote.

I vote not to sustain the ruling of the Chairman because a similar resolution relating to Major Littlefield was submitted to the Senate on yesterday and I see no cause why the Senate should not vote on this one.

STRICKLAND.

Message from the House.

Hall of the House of Representatives,
Austin, Texas, Sept. 26, 1917.

Hon. W. L. Dean, President of the Senate.

Sir: I am directed by the House

to inform the Senate that the House has passed the following bills:

S. B. No. 29, A bill to be entitled "An Act to create a more efficient road system for Madison County."

S. B. No. 17, A bill to be entitled "An Act validating the charters and amendments to charters of all cities of more than five thousand inhabitants in this State which have adopted charters, or attempted to adopt or amend charters, since the enactment of Chapter 147, General Laws of the Regular Session of the Thirty-third Legislature, 1913, and validating all proceedings had by city councils or city commissions, or governing authority, in regard to the question of the adoption of charters or amendments thereto, and declaring an emergency."

H. B. No. 56, A bill to be entitled "An Act to repeal all special road laws for Titus County, Texas."

Adopted Free Conference Committee report on Senate Bill No. 8, September 25, 1917.

Postponed indefinitely:

H. B. No. 45, A bill to be entitled "An Act to amend Chapter 161, Acts of the Regular Session of the Thirty-fifth Legislature, approved March 30, 1917, entitled 'An Act to amend Subdivisions 1, 2, 6 and 7, of Article 1130, Chapter 2, Title 15, of the Code of Criminal Procedure of the State of Texas, adopted at the Regular Session of the Thirty-second Legislature, 1911, relating to the fees allowed sheriffs and constables in all cases when the charge is a felony, and declaring an emergency,' so as to hereafter read as follows, and declaring an emergency."

Copy herewith transmitted.

Amended:

H. B. No. 52, A bill to be entitled "An Act to repeal Chapter 183, of the Acts of the Regular Session of the Thirty-fifth Legislature, which Chapter is 'An Act to provide for the purchase of a site for, and for the establishment, location and construction of an asylum to be known as the Northwest Texas Asylum for the care, treatment and support of white insane persons, and to make an appropriation therefor, and declaring an emergency,' providing that all acts done, contracts or agreements entered into, under the authority of Chapter 183, by the State, or any of its officers, agents or employes, and all appropriations provided

in said Chapter are hereby annulled; and declaring an emergency."

By striking out the enacting clause, copy herewith transmitted.

Passed:

H. C. R. No. 2, providing the oath of office be administered to Governor W. P. Hobby at high noon, September 26, 1917, in joint session of House and Senate.

S. B. No. 9, A bill to be entitled "An Act creating an express lien in favor of the State of Texas on all public free school land, University land, and the several asylums land for the use and benefit of the public free school fund, the University fund, and the several asylums fund for the purpose of securing the payment to said funds of all unpaid purchase money and interest thereon due and to become due upon all of said lands which have heretofore been sold and which may hereafter be sold so long as any portion of the interest thereon remains unpaid; also authorizing the Commissioner of the General Land Office on behalf of the State of Texas to transfer the indebtedness due to said funds and the lien held upon said land for the benefit of said funds to secure the payment of the principal and interest to such person, firm or corporation as may make payment in full to the State for all sums due upon said land, and providing that the person, firm or corporation that may pay said indebtedness shall be subrogated to all the rights, liens and remedies held and enjoyed by the State, and declaring an emergency," with amendments.

Respectfully,

BOB BARKER,

Chief Clerk House of Representatives.

House Bill Read and Referred.

The Chair, President Pro Tem. Dean, had referred, after its caption had been read in the presence of the Senate; the following House bill:

H. B. No. 56, referred to the Committee on Roads, Bridges and Ferries.

Bills Signed.

The Chair, President Pro Tem. Dean, signed, in the presence of the Senate, after their captions had been read, the following bills and resolution:

S. B. No. 8, A bill to be entitled "An Act to provide for the creation of Home Guards under the direction of the sheriff of the county; providing for the regulation of such Home Guard and granting the right to counties, cities and towns to appropriate money to provide arms and ammunition for such Home Guard, and declaring an emergency."

S. B. No. 11, A bill to be entitled "An Act to regulate the business of emigrant agents; defining emigrant agents; providing for licensing any person, firm or private employment agency desiring to be licensed as an emigrant agent, and prescribing the method of obtaining such license, and the requirements thereof, and defining who may be licensed; prescribing certain duties relative to the Act and its administration for the Commissioner of Labor Statistics and the Attorney General, and conferring certain authority relative to the administration of this Act upon said Commissioner; fixing the fees which may be charged by parties licensed hereunder, and fixing the license fees to be paid by parties licensed hereunder; creating and defining offenses for violation of this Act, and prescribing the punishment therefor; providing that all fees collected hereunder shall be paid directly into the State Treasury; declaring that all appropriations made for the Department of the Commissioner of Labor Statistics may be used in the enforcement and administration of this Act, and declaring an emergency."

S. B. No. 7, A bill to be entitled "An Act to prevent the introduction into the State of Texas, of the destructive cotton pest, *Pectinophora gossypiella* Saund., hereinafter referred to as the pink boll worm, and to control and eradicate such insect pest in the event its presence in this State is discovered; creating a zone along the southern and southwestern boundary of the State from which cotton and cotton products for the inspection of fields of cotton and for the inspection and general control of cotton produced in an inspection zone; and to provide for the quarantine and control of any territory within the State within which the pink boll worm may be found; providing for an appropriation and creating an emergency."

S. C. R. No. 3, Providing for carbon copies of enrolled bills to be furnished to the Secretary of State for his use in preparing printed laws of the Session.

Statements of Privilege on Impeachment.

Senator Henderson moved that Senators Page, Dayton and Bee be given the privilege of incorporating in the Journal a statement concerning their vote on the final judgment of the High Court of Impeachment.

The motion prevailed and the following are the statements as filed with the Journal Clerk:

Statement by Senator Page.

When the judgment to be rendered by the Senate sitting as a High Court of Impeachment was being considered on yesterday, I voted to remove Governor Ferguson from office, but voted against the proposition that he should be disqualified from hereafter holding any office of honor, trust or profit under this State. My reasons for so doing were twofold.

First: It was my opinion then and is my opinion now that under the Constitution of this State the High Court of Impeachment had the right to divide the question and to remove the Governor from office without disqualifying him from holding office in the future. Believing this to be the case, I did not wish to establish a precedent committing myself to the proposition that both penalties had to be affixed in order that the judgment might be a legal one.

Second: It was further my opinion that removal from office was a sufficient punishment for the Respondent, and I felt that if he wished to carry his case to the people of Texas and attempt to secure a vindication, I had no wish to debar him from so doing.

The press this morning carries an interview with the Governor which consists first of his resignation or attempted resignation of the office of Governor, which it seems was filed in the office of the Secretary of State on September 24. The Governor makes the statement that he files this resignation in order that "there may be no interference with the right of the people to elect him to that office which belongs to the people."

It is very clear that the former Governor of Texas does not recognize the right of the Senate of Texas to impeach him under the highest law of this State, to wit, the Constitution and it is very evident that he proposes to pay no attention to the solemn judgment of the High Court of Impeachment, rendered against him on yesterday. In his remarkable statement he says that the Senators of Texas did not give him a fair and impartial trial and makes the assertion that all of the special interests of this State including "the prohibition politicians, the anti-politicians, the railroad lobbyists, the school book grafters and corporate hirelings, with their arms around each other's necks, more times drunk than sober, in one mad howling clan clamoring for the political life and private character of a Governor who had committed no wrong sufficient to justify the severe penalty of impeachment."

The Governor further says that he did not have the same chance of securing an impartial trial before the Senate of Texas as is given to a "negro crap shooter or a negro bootlegger."

After reading this statement, which is absolutely without foundation in fact, I am thoroughly convinced that while the Senate of Texas in my opinion had the right to remove the Governor without disqualifying him that they should not have exercised this right and that I was wrong in so voting and the majority of the Senate were right when they cast their vote, not only to remove from office this man, but to debar him from holding any office of profit or trust in this State in the future.

The Senate of Texas, in my opinion, is as high class a body of men as ever assembled together in any State of this Union. Both the former political friends and political enemies of the Governor united in an effort to give him a fair and impartial trial, and no man in my opinion, save the Governor of Texas himself (not excepting counsel who so ably represented him), will deny the fact that every right guaranteed him under the Constitution was given him and that every courtesy was extended to him and to his counsel during the conduct of this important trial. It was with

great regret I am sure that twenty-seven out of the thirty-one members, composing the Texas Senate, reluctantly came to the conclusion that the charges (or some of them) were sufficient to warrant his impeachment.⁷

A minority of us thought to remove him from office without affixing the extreme penalty, and it now develops that we were misled by our feeling of sympathy for the "fallen idol, whose feet it seems were of clay" and attempted to extend to him that clemency which I am now convinced he did not deserve.

The Senate of Texas needs no defense at my hands, and when the history of this trial is written, future generations will recognize the fact that our proceedings here rebound, not only to the everlasting credit of every Senator who voted to impeach the Governor, but that the same constitutes, while a sad page, still in the light of the great good accomplished for our State nevertheless a bright page, which our children and our children's children may point to as evidence of the fact that their ancestry were of stainless honor and integrity and hesitated not to do their duty even in this trying hour.

In so far as may be I desire the permanent records of this Senate to show that I consider the punishment inflicted upon the Ex-Governor well deserved and highly merited.

PAGE.

Statement By Senator Dayton.

I heartily concur in the opinion of the Senator from Bastrop. I do not believe that the Governor has any foundation in fact for the statement credited to him in the morning press. My plea for restoration to citizenship of the Respondent by future legislation was made not knowing of these statements, and made purely with a spirit of mercy.

I should have been compelled to have voted on yesterday for the extreme penalty and against the Bailey amendment, this for the particular case and not as a precedent. I believe in showing mercy wherever it can, with justice, be shown.

DAYTON.

Statement By Senator Bee.

I am very much impressed with

the statements made by the Senator from Bastrop and endorse in part his position. If afforded the opportunity, I would not change my vote in favor of the minority report on the question of the penalty for impeachment in the case lately before us. I believe that the question of penalty is divisible, and without regard to the case before us wanted to establish the proper precedent. In other words, in my judgment, the Senate sitting as a court of impeachment has the right to vote for a removal only, or provide both removal and disqualification according to the character of the case. I regret that Ex-Governor Ferguson found it necessary to publicly state that his impeachment was secured by the vote of special interests which had pursued him since he became Governor. To say the least of it, the statement is unfounded in fact. The Governor was impeached by the vote of Senators who had been his friends, both politically and personally. In casting my votes I was controlled only by my conscience and my oath. I regret to say it, but when a man has been removed from office by a vote of over two-thirds of the Senate he ought to abide that judgment. If the standard of obedience to law set up by him becomes a settled one, men convicted in courts of competent jurisdiction and according to law would be justified in disobeying the law's mandates. The resignation of the Governor comes too late. The opportunity to do so had passed from him. He has been adjudged as removed and disqualified. I sought to prevent his disqualification, but in vain. I am forced, reluctantly, to the conclusion that his defiance as shown by the statement referred to would justify a Senator in voting for his disqualification because it indicates in the words of the law "a heart regardless of social duty and fatally bent on mischief, the evidence of which is inferred by acts done and words spoken."

When Governor Ferguson appeared before the Senate in his own behalf he conveyed a veiled threat against the future of Senators who would vote against him. In his announcement for a third term (undemocratic and futile as it is) he repeats the threat and further questions the integrity of Senators who cast their votes against him.

For that threat I care not. I loyally supported Governor Ferguson in every measure he advocated. The Gibson Bill, the Land Tenant Bill, the Text Book Bill (which carried my name), the One Million Dollar Rural School appropriation, were all cordially supported by me. Upon what theory of reasoning, if any, he can sustain his charge that Senators voting against him were controlled by those and other interests, passes my comprehension and is unfounded.

I have never sought a contest, but if one is to come I will not shrink from it. If the Governor feels that he must make the vote for impeachment an issue in the Districts of Senators, the Senator from Bexar will gladly meet it in confidence, and fully justify his action.

Ex-Governor Ferguson has by his statements completely vindicated the judgment of the Senators who voted to disqualify him and I utterly repudiate both the spirit of his announcement and its contents, and in connection with my statement as to my vote wish this statement incorporated in the Journal.

BEE.

House Concurrent Resolution No. 2.

The Chair laid before the Senate, H. C. R. No. 2 providing that the oath of office be administered to Governor W. P. Hobby at high noon Sept. 26, 1917, in Joint Session of the House and Senate.

The resolution was read and on motion of Senator Harley the same was laid on the table subject to call.

House Bill No. 9.

The Chair laid before the Senate on second reading:

H. B. No. 9; A bill to be entitled "An Act amending Article 303, Revised Penal Code of Texas, 1911, providing limitations and exceptions upon and to the provisions of Article 302, Revised Penal Code, 1911, relating to selling, etc., on Sunday, so as to exempt from the provisions of Article 302, Penal Code, 1911, the selling, etc., of gasoline, and declaring an emergency."

Senator Alderdice moved the adoption of the majority (favorable) committee report.

As a substitute Senator Collins moved the adoption of the minority (adverse) committee report.

Senator Alderdice moved to table the substitute motion of Senator Collins, and the motion was lost by the following vote:

Yeas—12.

Alderdice.	Hopkins.
Bailey.	Hudspeth.
Caldwell.	Johnston of Harris.
Clark.	McNealus.
Harley.	Parr.
Henderson.	Strickland.

Nays—16.

Bee.	Gibson.
Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	Lattimore.
Collins.	Page.
Dayton.	Robbins.
Dean.	Smith.
Decherd.	Sulter.
Floyd.	Westbrook.

Absent.

Hall.	Woodward.
McCollum.	

Action then recurred upon the substitute motion to adopt the minority (adverse) committee report and the same was adopted.

Senate Bill No. 9—House Amendments Concurred In.

Senator Bailey called up for consideration of House amendments to S. B. No. 9, A bill to be entitled "An Act creating an express lien in favor of the State of Texas on all public free school land, University land, and the several asylums land for the use and benefit of the public free school fund, for University fund, and the several asylums fund for the purpose of securing the payment to said funds of all unpaid purchase money," etc.

The following House amendments were laid before the Senate, read and on motion of Senator Bailey the same were adopted:

Amend the bill, Section 2, by inserting after the words "for the conveyance of real estate" the following: "coupled with an affidavit of ownership."

Amend Senate Bill No. 9 by adding just after Section 2, Section 2a,

as follows: "Provided that no transfer of the State's lien or debt be made until the land, which is security for said lien or debt, has been occupied for the full period of time, and in the manner as provided by law."

Amend the bill by inserting the words, "or the Federal Farm Loan Bank," after the word "corporation" wherever it occurs in Sections 2 and 3 of the bill.

Message from the House.

Hall of the House of Representatives,
Austin, Texas, Sept. 26, 1917.

Hon. W. L. Dean, President Pro Tem.
of the Senate.

Sir: I am directed by the House to inform the Senate that the following have been appointed on part of the House under House Concurrent Resolution No. 2: Messrs. Mendell, Cope, O'Brien, Spencer of Wise and Stewart.

Passed:

S. B. No. 6, A bill to be entitled "An Act to further regulate the conducting of fish hatcheries and the propagation of fish in this State by amending Article 4000 of the Revised Civil Statutes of this State, 1911, as amended by Chapter 146 of the Thirty-third Legislature, providing for the distribution by the State fish hatcheries of fish to private persons; providing that the Game, Fish and Oyster Commissioner of the State of Texas, as well as the United States Commissioner of Fisheries, or their duly authorized agents, may take or catch brood fish from the public fresh waters of this State, for the purpose of propagation; according to the United States Commissioner of Fisheries and his duly authorized agents the right to conduct fish hatcheries and fish culture and all operations connected therewith in any manner and at any time that may by them be considered necessary and proper; providing for a closed season on crappie, bass and catfish; prescribing the size of fish that may be taken; providing a penalty for a violation of this statute, and declaring an emergency."

S. B. No. 10, A bill to be entitled "An Act to amend Chapter 42 of the General and Special Laws of the First Called Session of the Thirty-fifth Legislature, relating to the

State Institution for the Training of Juveniles, as found on pages 92 and 93 of the laws of the First Called Session of the Thirty-fifth Legislature."

S. B. No. 26, A bill to be entitled "An Act authorizing the commissioners court of Brewster County to issue scrip for certain purposes, and declaring an emergency."

H. B. No. 25, A bill to be entitled "An Act to amend Article 5692, Revised Civil Statutes of Texas, as adopted in 1911, providing that actions for specific performance shall be filed within two years, and declaring an emergency," with engrossed rider.

H. B. No. 29, A bill to be entitled "An Act to amend Section 1 of Chapter 123, page 320, of the General Laws of the State of Texas, as passed by the Thirty-fifth Legislature at its regular session, so as to provide that the said Act shall not apply to any act permitted by the statutes of the United States of America, or by the United States Army and Navy regulations not construed to apply to a newspaper, periodical, books, pamphlets, circular, certificate, diploma, warrant or commission of appointment to office, ornamental picture, article of jewelry or stationery for use in correspondence, on which shall be printed, painted or placed said flag or flags, disconnected from any advertisement, and declaring an emergency."

H. B. No. 30, A bill to be entitled "An Act making an appropriation out of the general revenue for additional support of the Game, Fish and Oyster Department for the fiscal years ending August 31, 1918, and August 31, 1919, and declaring an emergency."

H. B. No. 36, A bill to be entitled "An Act to amend Article 6799, Chapter 2, Title 118, of the Revised Civil Statutes of the State of Texas for 1911, providing for acknowledgments of deeds and other instruments, by persons in military service of the United States government to be taken before any officer of the Judge Advocate General's Department, and declaring an emergency."

H. B. No. 37, A bill to be entitled "An Act to amend Section 45 of Chapter 203 of the Acts of the Regular Session of the Thirty-fifth Legislature, being an Act to regulate the use and operation of vehicles upon the public highways."

H. B. No. 42, A bill to be entitled "An Act establishing the claim of S. S. Perry against the State of Texas for breach of contract entered into between him and the Board of Prison Commissioners; making an appropriation in payment of said claim; declaring that the Board of Prison Commissioners shall replace the amount thus appropriated when they have the funds, and declaring an emergency."

H. B. No. 43, A bill to be entitled "An Act to make appropriation for deficiencies in appropriations heretofore made for the support of the State government for the fiscal years ending August 31, 1916 and 1917, to cover authorized deficiency claims registered in the office of the Comptroller of Public Accounts of the State of Texas, in accordance with law, and declaring an emergency."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

Bills Read and Referred.

The Chair, President Pro Tem. Dean, had referred, after their captions had been read in the presence of the Senate, the following House bills:

H. B. No. 25, referred to the Committee on Civil Jurisprudence.

H. B. No. 29, referred to the Committee on Criminal Jurisprudence.

H. B. No. 30, referred to the Committee on Finance.

H. B. No. 36, referred to the Committee on Civil Jurisprudence.

H. B. No. 37, referred to the Committee on Criminal Jurisprudence.

H. B. No. 42, referred to the Committee on Finance.

H. B. No. 43, referred to the Committee on Finance.

House Bill No. 22.

Senator Hudspeth called up and the Chair laid before the Senate on second reading:

H. B. No. 22, A bill to be entitled "An Act making additional appropriations for the support of the State government for two years, beginning September 1, 1917, and ending August 31, 1919, as follows, to wit: For the salaries of special district judges, for fees clerks in felony cases, for the salary

of Assistant Adjutant General and the quartermaster of the Adjutant General's Department, for the salary of the Chief Inspector of Nurseries, and other specified items for the Department of Agriculture, for the salary of the State Revenue Agent, for the salary of the Chief Deputy of the Game, Fish and Oyster Commissioner's Department, for the salary of the Bacteriologist of the State Health Department, for the salary of the Commissioner of Labor, for the salaries of four inspectors in the Labor Department, for the salaries of two chemists in the Pure Food Department, for the salaries of two inspectors in the Pure Food Department, for the salaries and expenses for collecting fees under the Pure Food Laws, for stamps to be used in the collection of fees in the Pure Food Department, for the salary of the Superintendent of the State Orphans' Home, for the salaries of twelve non-graduate nurses for the first year at Tuberculosis Sanatorium, for salaries of three assistants to the Inspector of Masonry and for material tests and analysis, long distance telephones, telegraph, express and freight charges and incidentals and traveling expenses for the Department of Inspector of Masonry, salary of one additional clerk to the State Treasury Department, and to pay miscellaneous claims and for other purposes; prescribing certain regulations and restrictions in respect thereto; repealing parts of laws heretofore passed making appropriations for the particular items named in this bill, and declaring an emergency."

The committee report with committee amendments and that the bill be printed in the Journal only was adopted.

Senator Hudspeth offered the following amendment which was read:

Amend House Bill No. 22, as printed in the Senate Journal of September 21, at page 841, by adding after the appropriation of \$216.90 to refund unexpired wholesale liquor license of H. F. Trahim, of Freestone County, the following:

- "To refund balance overpaid through error occupation tax on gross receipts erroneously paid to the State after the charter of the corporations had been forfeited:

American Brewing Company \$	67.34
Fort Worth Brewing Co....	169.35
Dallas Brewery.....	107.29
Houston Ice & Brewing Co..	250.13
San Antonio Brewing Assn..	218.23
Galveston Brewing Co.....	180.93
Lone Star Brewing Assn....	30.95

Total.....\$1,024.22"

On motion of Senator Hudspeth the bill with pending amendment was laid on the table subject to call.

Recess.

At 12:05 p. m. the Senate, on motion of Senator Clark, recessed until 2 o'clock p. m. today.

After Recess.

(Afternoon Session.)

The Senate was called to order by President Pro Tem. Dean, and by unanimous consent, stood at ease for fifteen minutes.

House Bill No. 22.

(Pending.)

Action recurred upon the pending business, House Bill No. 22, the question being upon the amendment offered by Senator Hudspeth.

By unanimous consent Senator Hudspeth withdrew the amendment, and moved that the same be referred to the Committee on Public Debt, Claims and Accounts.

The motion prevailed.

Senator Henderson offered the following amendment to the bill as amended by the committee report:

Amend House Bill No. 22 by striking out the figures \$5,000, where it occurs in the appropriation for the Agricultural Department and insert in lieu thereof \$10,000.

Senator Johnson of Hall, moved to table the amendment and the motion prevailed by the following vote:

Yeas—16.

Bee, Collins.
Buchanan of Bell. Dean.
Buchanan of Scurry. Floyd.
Clark. Hopkins.

Hudspeth. Robbins.
Johnson. of Hall. Strickland.
Lattimore. Suiter.
Parr. Westbrook.

Nays—5.

Caldwell. Henderson.
Dayton. McNealus.
Gibson.

Absent.

Alderdice. Johnston of Harris.
Bailey. McCollum.
Decherd. Page.
Hall. Smith.
Harley. Woodward.

Senator Hudspeth offered the following amendments, which were read and adopted seriatim:

(2) Amend House Bill No. 22 as printed in Senate Journal of September 21, at page 838 thereof, by striking out the figures "\$500,000" and insert in lieu thereof the figures "\$5,000."

(3) Amend House Bill No. 22 as printed in Senate Journal of September 21, at page 840, by striking out under the word "Judiciary" the words "assistant district attorney."

Senator Robbins offered an amendment. (The Journal Clerk was unable to procure same.)

Senator Suiter made the point of order that the amendment seeks to amend a law that is already in effect without rewriting the Act which is sought to be amended.

Pending discussion, Senator Robbins withdrew the amendment.

Senator Caldwell offered the following amendment:

Amend House Bill No. 22 by inserting therein after the item for the Adjutant General's office the following:

Texas School for the Blind: Salary of head laundress \$360.00 for each year.

Provided further, that the Managing Board of said institution shall be authorized to purchase a new pipe organ for the new school and pay therefor by exchanging the old pipe organ, on hand and paying any balance necessary by using certain junk money realized from old unusable equipment in the old buildings, the amount of junk money so used not to exceed sixteen hundred dollars.

CALDWELL.
HUDSPETH.

On motion of Senator Suiter the amendment was tabled.

Senator Dayton offered the following amendment which was read and lost:

Amend House Bill No. 22, by adding to end of items for Department of Agriculture, page 3, the following proviso:

Provided, That nursery inspection fees collected by the Department of Agriculture are hereby appropriated as additional expense money for nursery inspection, in an amount not to exceed two thousand dollars per annum for the years 1917 and 1918.

A sworn statement by the Commissioner of Agriculture shall be made to the Comptroller of money collected as fees of nursery inspection work, and expended hereunder.

DAYTON.

Senator Strickland offered the following amendment which was read:

(4) Amend House Bill No. 22, as amended by adding after the item for R. M. Johnson at the bottom of page 841 of the Senate Journal the following:

To pay the claim of James A. Perkins for services rendered as special district judge for the second judicial district.....\$ 106.73

Senator Westbrook moved to table the amendment, which motion was lost by the following vote:

Yeas—2.

Decherd. Johnson of Hall.

Nays—18.

Alderdice.	Hopkins.
Bee.	Hudspeth.
Buchanan of Scurry.	Lattimore.
Caldwell.	McNealus.
Collins.	Parr.
Dayton.	Smith.
Dean.	Strickland.
Harley.	Suiter.
Henderson.	Westbrook.

Present—Not Voting.

Robbins.

Absent.

Bailey.	Floyd.
Buchanan of Bell.	Gibson.
Clark.	Hall.

Johnston of Harris Page.

McCollum.

Woodward.

Action then recurred upon the amendment and the same was adopted.

Senator Robbins offered the following amendment, which was read and adopted:

(5) Amend House Bill, No. 22, page 840, as appears in the Journal of September 21, by writing under the heading of State Orphan's Home the following: To pay for improvement on old well, now used by the State Orphans' Home, not to exceed \$5,000.00.

The bill was read second time and passed to its third reading.

On motion of Senator Hudspeth, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 22 put on its third reading and final passage by the following vote:

Yeas—24.

Alderdice.	Henderson.
Bailey.	Hopkins.
Bee.	Hudspeth.
Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	Lattimore.
Caldwell.	Page.
Collins.	Parr.
Dayton.	Robbins.
Dean.	Smith.
Decherd.	Strickland.
Floyd.	Suiter.
Harley.	Westbrook.

Present—Not Voting.

McNealus.

Absent.

Clark.	Johnston of Harris.
Gibson.	McCollum.
Hall.	Woodward.

The bill was laid before the Senate, read third time and, on motion of Senator Hudspeth, was passed by the following vote:

Yeas—21.

Alderdice.	Dean.
Bailey.	Decherd.
Bee.	Floyd.
Buchanan of Scurry.	Henderson.
Clark.	Hopkins.
Collins.	Hudspeth.
Dayton.	Johnson of Hall.

Lattimore.	Smith.
Page.	Strickland.
Parr.	Westbrook.
Robbins.	

Nays—1.

Suiter.

Present—Not Voting.

McNealus.

Absent.

Buchanan of Bell. Harley.

Caldwell. Johnston of Harris.

Gibson. McCollum.

Hall. Woodward.

Senator Hudspeth moved to reconsider the vote by which the bill was passed and table the motion to reconsider.

The motion to table prevailed.

Bills Signed.

The Chair, President Pro Tem. Dean, gave notice of signing and did sign in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 6, A bill to be entitled "An Act to further regulate the conducting of fish hatcheries and the propagation of fish in this State by amending Article 4000 of the Revised Civil Statutes of this State, 1911, as amended by Chapter 146 of the Thirty-third Legislature, providing for the distribution by the State fish hatcheries of fish to private persons, providing that the Game, Fish and Oyster Commissioner of the State of Texas, as well as the United States Commissioner of Fisheries, or their duly authorized agents, may take or catch broodfish from the public fresh waters of this State, for the purpose of propagation; according to the United States Commissioner of Fisheries and his duly authorized agents the right to conduct fish hatcheries and fish culture and all operations connected therewith in any manner and at any time that may by them be considered necessary and proper; providing for a closed season on crappie, bass and catfish; prescribing the size of fish that may be taken; providing a penalty for a violation of this statute, and declaring an emergency."

S. B. No. 26, A bill to be entitled

"An Act to authorize the commissioners court of Brewster County, State of Texas, by a majority vote to issue scrip payable from one to twenty years from date, bearing interest at the rate of not to exceed six per cent; for the purpose of taking up the present indebtedness of the county incurred for the building of roads and bridges in said county; providing that the yearly net revenue, less the necessary sinking fund to cover said scrip issue, may be used by the commissioners court of said county in repairing and building roads and bridges, and declaring an emergency."

S. B. No. 29, A bill to be entitled "An Act to create a more efficient road system for Madison County or any political subdivision of said county by a vote of two-thirds majority of the resident property taxpayers, etc., and declaring an emergency."

Message from the House.

Hall of the House of Representatives, Austin, Texas, Sept. 26, 1917.

Hon. W. L. Dean, President of the Senate:

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 44, A bill to be entitled, "An Act concerning impeachment of officers; providing what officers, agents and employes may be impeached by the House of Representatives and tried thereon by the Senate; providing for the convening of the House and Senate for such purposes, and declaring an emergency." with engrossed rider.

H. B. No. 54, A bill to be entitled "An Act to amend Section 17, Chapter 83, relating to the prospecting and development of minerals in the public lands, etc., and declaring an emergency."

H. B. No. 46, A bill to be entitled "An Act to amend Article 925, Chapter 6, Title 22, Revised Civil Statutes of Texas, 1911, providing for the levy and collection of an ad valorem tax by a city or town sufficient to meet interest payments and to create a sinking fund on all indebtedness incurred prior to the adoption of the constitutional amendment in 1883, regarding the power of a city or town to levy and

collect taxes, providing for the levy and collection of taxes by a city or town for current expenses, the erection and equipment of or the purchase of public buildings, water works, sewers, and other permanent improvements, for the construction of roads, bridges, streets, and for the support and maintenance of public free schools, for the purchase of sites, erection and equipment of public free school buildings, applying the law to certain districts, classifying districts and declaring an emergency."

H. B. No. 48, A bill to be entitled "An Act to create a more efficient road system for Red River County, Texas; making the county commissioners ex officio road commissioners, and providing for their compensation and defining their powers and duties; providing for the working of hands on the public roads who fail to pay road tax as provided for; providing for the working of roads by contract, if the court so determines; providing for county road superintendent, if the court in its discretion thinks it proper; providing for the collection and disbursement of certain moneys and the payment of fees for special services by certain county officials; providing for penalties for the enforcement of the provisions of this act; declaring its provisions are supplemental to all general laws of the State on the subject and especially declaring that its provisions shall not conflict with any of the provisions of Chapter 31 of the Local and Special Laws of the Thirty-fourth Legislature, and found on page 91 et seq., of the printed acts thereof."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

Bills Read and Referred.

The Chair, President Dean, had referred after their caption had been read in the presence of the Senate, the following House bills:

H. B. No. 44, referred to the Committee on Civil Jurisprudence.

H. B. No. 46, referred to the Committee on Towns and City Corporations.

H. B. No. 48, referred to the Committee on Roads, Bridges and Ferries.

H. B. No. 54, referred to the Committee on Public Land and Land office.

Bills to be Withdrawn.

Senator McNealus asked for unanimous consent to withdraw from the calendar Senate Bills Nos. 38, 39 and 40.

There was objection by Senator Collins.

Senate Concurrent Resolution No. 5.

(By unanimous consent.)

Be it resolved by the Senate of Texas, the House of Representatives concurring:

Whereas, there are in the vaults in the basement of the Capitol Building at Austin, Texas, large quantities of the Courts of Civil Appeals Reports and the Supreme Court Reports and of the Court of Criminal Appeals; and

Whereas, many of these volumes are needed to complete the libraries of the various Appellate Courts of this State; now therefore be it

Resolved, that upon a request made by the three judges of any such Appellate Court of the Secretary of State, such Secretary of State shall forward to such Court, free of charge, except that freight or express charges shall be paid by the consignee, any of such volumes on hand which may be needed to complete the library of such Court or any of the judges thereof.

LATTIMORE.

The resolution was read and adopted.

House Bill No. 56.

Senator Henderson moved that the constitutional rule requiring bills to be read on three several days be suspended and House Bill No. 56 put on its second reading.

The motion prevailed by the following vote:

Yeas—21.

Alderdice.	Dean.
Bee.	Decherd.
Buchanan of Scurry.	Floyd.
Caldwell.	Harley.
Collins.	Henderson.
Dayton.	Hopkins.

Hudspeth.	Smith.
Johnson of Hall.	Strickland.
Lattimore.	Sulter.
McNealus.	Westbrook.
Page.	

Absent.

Bailey.	Johnston of Harris
Buchanan of Bell.	McCollum.
Clark.	Parr.
Gibson.	Robbins.
Hall.	Woodward.

The Chair laid before the Senate on second reading

H. B. No. 56, A bill to be entitled "An Act to repeal all special road laws heretofore enacted for Titus County, Texas, and to specifically repeal Chapter 106 of the Special Laws of the Regular Session of the Thirty-third Legislature, 1913, and declaring an emergency."

The Senate rule requiring committee reports to lie over one day was suspended.

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

On motion of Senator Henderson, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 56 put on its third reading and final passage by the following vote:

Yeas—21.

Alderdice.	Hopkins.
Bee.	Hudspeth.
Buchanan of Scurry.	Johnson of Hall.
Caldwell.	Lattimore.
Collins.	McNealus.
Dayton.	Page.
Dean.	Smith.
Decherd.	Strickland.
Floyd.	Sulter.
Harley.	Westbrook.
Henderson.	

Absent.

Bailey.	Johnston of Harris
Buchanan of Bell.	McCollum.
Clark.	Parr.
Gibson.	Robbins.
Hall.	Woodward.

The bill was laid before the Senate, read third time and, on motion of Senator Henderson, was passed by the following vote:

Yeas—23.

Alderdice.	Buchanan of Scurry.
Bee.	Caldwell.

Collins.	Lattimore.
Dayton.	McNealus.
Dean.	Page.
Decherd.	Parr.
Floyd.	Robbins.
Harley.	Smith.
Henderson.	Strickland.
Hopkins.	Sulter.
Hudspeth.	Westbrook.
Johnson of Hall.	

Absent.

Bailey.	Hall.
Buchanan of Bell.	Johnston of Harris.
Clark.	McCollum.
Gibson.	Woodward.

Senate Bill No. 38.

The Chair laid before the Senate, on second reading.

S. B. No. 38, A bill to be entitled "An Act to amend Article 598 of Chapter 7, Title XI, of the Revised Penal Code of the State of Texas, and Article 5716, Title 88, of the Revised Civil Statutes of the State of Texas, so as to permit the sale in any county or subdivision thereof, or in any city or town in which the sale of intoxicating liquor has been prohibited, of wine for sacramental purposes, and so as to permit the sale of ethyl alcohol by wholesale druggists to retail druggists, and declaring an emergency."

The Senate rule requiring committee reports to lie over for one day was suspended.

The committee report that the bill be not printed was adopted.

Senator Lattimore offered the following amendment which was read and adopted:

(1) Strike out the period at the end of Section 1 and insert a comma and add the following, "and have complied with all of the provisions of the law regulating such sales in local option territory."

The bill was read second time and passed to engrossment.

On motion of Senator McNealus, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 38 put on its third reading and final passage by the following vote:

Yeas—22.

Alderdice.	Buchanan of Bell.
Bailey.	Buchanan of Scurry.
Bee.	Caldwell.

Clark.	Hopkins.
Collins.	Hudspeth.
Dayton.	Johnson of Hall.
Dean.	Johnston of Harris.
Decherd.	Lattimore.
Gibson.	McNealus.
Harley.	Smith.
Henderson.	Strickland.

Nays—2.

Suiter.	Westbrook.
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Absent.

Floyd.	Parr.
Hall.	Robbins.
McCollum.	Woodward.
Page.	

The bill was laid before the Senate, read third time and, on motion of Senator McNealus, was passed by the following vote:

Yeas—22.

Alderdice.	Henderson.
Bailey.	Hopkins.
Bee.	Hudspeth.
Buchanan of Scurry.	Johnson of Hall.
Clark.	Johnston of Harris.
Collins.	Lattimore.
Dayton.	McNealus.
Dean.	Page.
Decherd.	Parr.
Gibson.	Smith.
Harley.	Strickland.

Nays—2.

Suiter.	Westbrook.
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Present—Not Voting.

Buchanan of Bell.

Absent.

Caldwell.	McCollum.
Floyd.	Robbins.
Hall.	Woodward.

Senator McNealus moved to reconsider the vote by which the bill was passed and table the motion to reconsider.

The motion to table prevailed.

House Bill No. 32.

The Chair laid before the Senate on second reading:

H. B. No. 32, A bill to be entitled "An Act to make an emergency appropriation to repair the North

Texas Hospital buildings for the Insane at Terrell and to construct and equip a sewage disposal plant at said hospital for the insane, and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

On motion of Senator Robbins, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 32 put on its third reading and final passage by the following vote:

Yeas—22.

Bee.	Hopkins.
Buchanan of Bell.	Hudspeth.
Buchanan of Scurry.	Johnson of Hall.
Caldwell.	Johnston of Harris.
Collins.	Lattimore.
Dayton.	McNealus.
Dean.	Parr.
Decherd.	Robbins.
Floyd.	Smith.
Gibson.	Strickland.
Henderson.	Suiter.

Present—Not Voting.

Bailey.

Absent.

Alderdice.	McCollum.
Clark.	Page.
Hall.	Westbrook.
Harley.	Woodward.

The bill was laid before the Senate, read third time and, on motion of Senator Robbins, was passed by the following vote:

Yeas—22.

Alderdice.	Hopkins.
Bailey.	Hudspeth.
Bee.	Johnson of Hall.
Buchanan of Scurry.	Johnston of Harris.
Caldwell.	Lattimore.
Clark.	McNealus.
Collins.	Parr.
Dean.	Robbins.
Decherd.	Smith.
Floyd.	Suiter.
Henderson.	Westbrook.

Nays—2.

Buchanan of Bell.	Strickland.
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Absent.

Dayton.	Hall.
Gibson.	Harley.

McCollum.
Page.

Woodward.

Senator Robbins moved to reconsider the vote by which the bill was passed and table the motion to reconsider.

The motion to table prevailed.

House Bill No. 51.

The Chair laid before the Senate on second reading

H. B. No. 51, A bill to be entitled "An Act to repeal Chapter 204 of the Acts of the Regular Session of the Thirty-fifth Legislature, establishing a Junior Agricultural and Mechanical College east of the 96th meridian and north of the 31st parallel," etc.

On motion of Senator Floyd the bill was laid on the table subject to call.

Message from the House.

Hall of the House of Representatives,
Austin, Texas, Sept. 26, 1917.

Hon. W. L. Dean, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 58, A bill to be entitled "An Act further defining the powers and duties of the State Normal School Board of Regents as set forth in Chapter 191 of the Acts of the Regular Session of the Thirty-fifth Legislature, which Chapter is 'An Act to provide for the establishment, maintenance and government of two State Normal Schools, providing for the location of same, and declaring an emergency,' and as set forth in Chapter 197 of the Acts of the Regular Session of the Thirty-fifth Legislature, which Chapter is 'An Act to provide for the establishment, maintenance and government of a State Normal School to be located at Alpine, in Brewster, County, Texas, to be known as the "Sull Ross Normal College," and declaring an emergency;' providing for the repeal of all appropriations made for any and all purposes under each of said Chapters 191 and 197; providing for an appropriation to carry into effect the specific powers and duties imposed upon the said State Normal School Board of Regents by the provision of this Act, and declaring an emergency."

The House refuses to concur in Senate amendments to House Bill No. 22 and asks the appointment of a Free Conference Committee.

The following have been appointed on the part of the House: Messrs. Miller of Dallas, Peyton, Woods, Mendell, Dudley.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives

Bill Read and Referred.

The Chair, President Pro Tem. Dean, had referred, after its caption had been read in the presence of the Senate, the following House bill:

H. B. No. 58, referred to the Committee on Educational Affairs.

Senate Bill No. 44.

(By unanimous consent.)

Senator Caldwell moved that the constitutional rule requiring bills to be read on three several days be suspended and Senate Bill No. 44 put on its second reading.

The motion prevailed by the following vote:

Yeas—24.

Alderdice.	Henderson.
Bee.	Hudspeth.
Buchanan of Scurry.	Johnson of Hall.
Caldwell.	Johnston of Harris.
Clark.	Lattimore.
Collins.	McNealus.
Dayton.	Parr.
Dean.	Robbins.
Decherd.	Smith.
Floyd.	Strickland.
Gibson.	Suiter.
Harley.	Westbrook.

Present—Not Voting.

Bailey.	Buchanan of Bell.
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Absent.

Hall.	Page.
Hopkins.	Woodward.
McCollum.	

The Chair laid before the Senate on second reading:

S. B. No. 44, A bill to be entitled "An Act to provide that the General Land Office, the Agricultural Department, and such other departments and

offices of the State government as may be from time to time determined by the Governor and Superintendent of Public Buildings and Grounds, shall occupy the new departmental building now being erected in the city of Austin at the corner of Brazos and East Eleventh Streets; repealing all laws and parts of laws in conflict herewith and declaring an emergency."

The Senate rule requiring committee reports to lie over one day was suspended.

The committee report that the bill be not printed was adopted.

Senator Henderson offered the following amendment which was read and adopted:

Amend Senate Bill No. 44 by striking out the words "and Superintendent of Public Buildings and Grounds" wherever they appear in both the body of the bill and the caption.

The bill was read second time and passed to engrossment.

On motion of Senator Caldwell, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 44 put on its third reading and final passage by the following vote:

Yeas—27.

Alderdice.	Henderson.
Bailey.	Hopkins.
Bee.	Hudspeth.
Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	Johnston of Harris.
Caldwell.	Lattimore.
Clark.	McNealus.
Collins.	Parr.
Dayton.	Robbins.
Dean.	Smith.
Decherd.	Strickland.
Floyd.	Suiter.
Gibson.	Westbrook.
Harley.	

Absent.

Hall.	Page.
McCollum.	Woodward.

The bill was laid before the Senate, read third time and, on motion of Senator Caldwell, was passed by the following vote:

Yeas—26.

Alderdice.	Caldwell.
Bailey.	Collins.
Bee.	Dayton.
Buchanan of Bell.	Dean.
Buchanan of Scurry.	Decherd.

Floyd.	Lattimore.
Gibson.	McNealus.
Harley.	Parr.
Henderson.	Robbins.
Hopkins.	Smith.
Hudspeth.	Strickland.
Johnson of Hall.	Suiter.
Johnston of Harris.	Westbrook.

Absent.

Clark.	Page.
Hall.	Woodward.
McCollum.	

Senate Bill No. 39.

The Chair laid before the Senate on second reading:

S. B. No. 39, A bill to be entitled "An Act to amend Sections 6 and 7 of Chapter 31 of the Acts of the First Called Session of the Thirty-third Legislature of the State of Texas, which Act was entitled 'Intoxicating liquors—prohibiting the shipment of same into prohibition territories,' prohibiting any person, firm, or corporation from soliciting or taking orders in any county, justice precinct, town, city or other subdivision of a county where the qualified voters thereof have by a majority vote prohibited the sale of intoxicating liquors; providing, however, that nothing in said Act shall make it unlawful for any person, firm or corporation, licensed under the laws of the State of Texas to sell ethyl alcohol to the owner, agent, or employee of retail drug stores, to take orders for ethyl alcohol when such sales are made in compliance with the laws of this State; and providing that it shall not be unlawful for intoxicating liquors to be received for the use of his, their or its business only, by any drug stores in which drugs are compounded and employing a registered pharmacist, or by any educational or eleemosynary institution, or by any public or private hospital, or by any manufacturer or the owner or proprietor of any manufacturing establishment, or by any firm, person or corporation engaged in the wholesale drug business; and declaring an emergency."

The Senate rule requiring committee reports to lie over one day was suspended.

The committee report that the bill be not printed was adopted.

Senator Collins offered the follow-

ing amendments which were read and adopted seriatim:

(1) Amend the bill as follows: After the word "proprietor" in line 11, section 6, by adding the following: "or some agent of his or its who may be by him or it appointed by power of attorney duly executed by him or it in the manner prescribed by law for the execution of deeds, and filed with the county clerk of such county to make such purchases, and by striking out the words "agent or employes of retail drug stores."

COLLINS.

(2). Strike out all of section 7 to and including "beverage" in the tenth line from the bottom and add the following:

"Section 7. Before any person, firm or corporation engaged in the retail drug business shall make any purchases of alcohol from any wholesale druggist, said retail druggist shall designate by written power of attorney executed in such manner as prescribed by law for the execution of deeds and filed with the county clerk of such county, some person who is exclusively authorized to make such purchases; and such druggist shall make no purchases of alcohol except by such designated person, and any wholesale druggist who shall make any sale to any other person than such person as may be designated to make purchases for retail druggists shall be punished as prescribed by law."

COLLINS.

The bill was read second time and passed to engrossment.

On motion of Senator McNealus, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 39 put on its third reading and final passage by the following vote:

Yeas—23.

Alderdice.	Hudspeth.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	Lattimore.
Collins.	McNealus.
Dayton.	Page.
Dean.	Parr.
Floyd.	Robbins.
Gibson.	Smith.
Harley.	Strickland.
Henderson.	Westbrook.
Hopkins.	

Nays—1.

Suiter.

Absent.

Bailey.
Caldwell.
Clark.
Decherd.

Hall.
McCollum.
Woodward.

The bill was laid before the Senate, read third time and, on motion of Senator McNealus, was passed by the following vote:

Yeas—21.

Alderdice.	Hudspeth.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	Lattimore.
Caldwell.	McNealus.
Collins.	Page.
Dean.	Parr.
Floyd.	Robbins.
Gibson.	Smith.
Harley.	Strickland.
Henderson.	

Nays—4.

Dayton.
Hopkins.

Suiter.
Westbrook.

Absent.

Bailey.
Clark.
Decherd.

Hall.
McCollum.
Woodward.

Senator McNealus moved to reconsider the vote by which the bill was passed and table the motion to reconsider.

The motion to table prevailed.

Bills Signed.

The Chair, President Pro Tem. Dean, signed in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 9, A bill to be entitled "An Act creating an express lien in favor of the State of Texas on all public free school land, University land, and the several asylums land for the use and benefit of the public free school fund, The University fund, and the several asylums fund for the purpose of securing the payment to said funds, of all unpaid purchase money and interest thereon due upon all of said lands, which have heretofore been sold and which may hereafter be sold so long as any portion of the principal or any por-

tion of the interest thereon remains unpaid; also authorizing the Commissioner of the General Land office on behalf of the State of Texas to transfer the indebtedness due to said funds and the lien held upon said land for the benefit of said funds to secure the payment of the principal and interest of such person, firm or corporation as may make payment in full to the State for all sums due upon said land, and providing that the person, firm or corporation that may pay said indebtedness shall be subrogated to all the rights, liens and remedies held and enjoyed by the State, and declaring an emergency."

S. B. No. 17, A bill to be entitled "An Act validating the charters and amendments to charters of all cities of more than five thousand inhabitants, in this State, which have adopted charters, or attempted to adopt or amend charters, since the enactment of Chapter 147, General Laws of the Regular Session of the Thirty-third Legislature, 1913, and validating all proceedings had by city councils or city commissions, or governing authority, in regard to the question of the adoption of charters or amendments thereto; and declaring an emergency."

Senate Bill No. 40.

The Chair laid before the Senate on second reading:

S. B. No. 40, A bill to be entitled "An Act to amend Chapter 6, Title 126, of the Revised Civil Statutes of the State of Texas, which chapter provides for a tax on intoxicating liquors in local option territory; so as to add thereto Article 7475a, which added article provides that the preceding articles of said chapter shall not apply to sales of ethyl alcohol in quantities of one gallon or more by persons, firms, or corporations, engaged in the wholesale drug business to any owner, proprietor, agent, or employe of any retail drug store in which drugs are compounded and employing a registered pharmacist, where such sales are made for the purpose of being used in said retail drug business, and levying a tax and providing for the procuring of a license by such persons, firm or corporation engaged in the wholesale drug busi-

ness and located within any territory where local option is in force, before making such sales, and providing regulations for the issuance of such licenses, and declaring an emergency."

The Senate rule requiring committee reports to lie over one day was suspended.

The committee report that the bill be not printed was adopted.

Senator Lattimore offered the following amendment, which was read:

(1) Amend Senate Bill No. 40 by striking out all of the first paragraph of said bill after the words "Article 7475a" down to and including the word "article" in the twelfth line of said paragraph.

Senator McNealus moved to table the amendment, which motion was lost.

Action recurred upon the amendment and the same was adopted.

Senator Lattimore offered the following amendments, which were read and adopted *seriatim*:

(2) Amend Senate Bill No. 40 by striking out the figures \$200.00 and insert in lieu thereof the figures \$375.00.

(3) Amend Senate Bill No. 40 by striking out the figures 15 per cent in the bill and insert in lieu thereof the figures 5 per cent.

Senator Lattimore offered the following amendment:

(4) Amend Senate Bill No. 40 by adding at the end of Article 7475a the following:

Providing, that each owner, proprietor or manager of a drug store desiring to order any ethyl alcohol from any wholesale drug store or company shall file with said drug store or company a list of its employes or agents to whom such alcohol may be delivered upon order; and provided, further, that if the owner, proprietor or manager of such wholesale drug store or the employe shall sell or deliver any ethyl alcohol to any person other than to such owner, proprietor or manager of such retail store, or to some person whose name shall be on file with such wholesale drug store as the employe or agent of such retail drug store and upon written order from such owner, proprietor or manager of such retail drug store that the bearer is the agent or employe of such retail drug store owner he shall be deemed

guilty of a misdemeanor and upon conviction shall be fined in any sum not less than one hundred nor more than one thousand dollars, or by imprisonment in the county jail for not less than thirty days nor more than one year; or by both such fine and imprisonment.

LATTIMORE.

Senator McNealus moved to table the amendment and his motion was lost.

Action then recurred upon the amendment and the same was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator McNealus, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 40 put on its third reading and final passage by the following vote:

Yeas—26.

Alderdice.	Hopkins.
Bee.	Hudspeth.
Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	Johnston of Harris.
Caldwell.	Lattimore.
Clark.	McNealus.
Collins.	Page.
Dayton.	Parr.
Dean.	Robbins.
Decherd.	Smith.
Floyd.	Strickland.
Harley.	Suiter.
Henderson.	Westbrook.

Present—Not Voting.

Bailey.

Absent.

Gibson.	McCollum.
Hall.	Woodward.

The bill was laid before the Senate, read third time and, on motion of Senator McNealus, was passed by the following vote:

Yeas—21.

Alderdice.	Henderson.
Bailey.	Hudspeth.
Bee.	Johnson of Hall.
Buchanan of Scurry.	Johnston of Harris.
Caldwell.	Lattimore.
Clark.	McNealus.
Collins.	Page.
Dean.	Parr.
Decherd.	Robbins.
Floyd.	Strickland.
Harley.	

Nays—4.

Dayton.	Suiter.
Smith.	Westbrook.

Absent.

Buchanan of Bell.	Hopkins.
Gibson.	McCollum.
Hall.	Woodward.

Senator McNealus moved to reconsider the vote by which the bill was passed and table the motion to reconsider.

The motion to table prevailed.

Senate Bill No. 10—Returned to the House.

Senator Dayton moved that Senate Bill No. 10 be returned to the House in order that the House may correct same where it has been altered without authority of the House.

The motion prevailed.

Senate Bill No. 10—Investigation of Changes.

Senator Dayton moved that a committee of three Senators be appointed to investigate and ascertain by what authority certain changes appear to have been made in Senate Bill No. 10 that there is no record of either in the House or Senate.

The motion prevailed, and the Chair appointed Senators Dayton, Johnson of Hall and Smith as such committee.

Adjournment.

At 6 o'clock p. m. the Senate, on motion of Senator Buchanan of Scurry, adjourned until 10 o'clock tomorrow morning.

APPENDIX.

Committee Reports.

(Floor Report.)

Senate Chamber,
Austin, Texas, Sept. 26, 1917.
Hon. W. L. Dean, President of the Senate.
Sir: Your Committee on Finance, to whom was referred
H. B. No. 30, A bill to be entitled

"An Act making an appropriation out of the general revenue for additional support of the Game, Fish and Oyster Department for the fiscal years ending August 31, 1918, and August 31, 1919, and declaring an emergency,"

Have had the same under consideration and beg to report the same back to the Senate with the recommendation that it do pass and be not printed.

Caldwell, Vice Chairman; Hudspeth, Bee, Parr, Decherd, Westbrook, Dean, Clark.

(Floor Report.)

Senate Chamber,
Austin, Texas, Sept. 25, 1917.

Hon. W. L. Dean, President of the Senate.

Sir: Your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 29, A bill to be entitled "An Act to amend Section 1 of Chapter 123, page 320, of the General Laws of the State of Texas as passed by the Thirty-fifth Legislature at its regular session so as to provide that said Act shall not apply to any act permitted by the statutes of the United States of America or by the United States Army and Navy regulations, nor be construed to apply to any newspaper, periodical, book or pamphlet, circular, certificate, diploma, warrant or commission of appointment to office or stationery for use in correspondence, on any of which shall be printed, painted or placed said flag or flags disconnected from any advertisements, and declaring an emergency,"

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass and be not printed.

Page, Chairman; Caldwell, Hudspeth, Henderson, Dayton.

(Floor Report.)

Senate Chamber,
Austin, Texas, Sept. 25, 1917.

Hon. W. L. Dean, President of the Senate.

Sir: Your Committee on Public Buildings and Grounds, to whom was referred

S. B. No. 44, A bill to be entitled "An Act to provide that the General Land Office, the Agricultural Department and such other departments

and offices of the State government as may be from time to time determined by the Governor and Superintendent of Public Buildings and Grounds shall occupy the new departmental building now being erected in the city of Austin at the corner of Brazos and East Eleventh streets, repealing all laws and parts of laws in conflict herewith, and declaring an emergency,"

Have had the same under consideration and beg leave to report the same back to the Senate with the recommendation that it do pass and be not printed.

Caldwell, Chairman; Buchanan of Bell, Buchanan of Scurry, Westbrook, Henderson, Decherd.

(Floor Report.)

Senate Chamber,
Austin, Texas, Sept. 25, 1917.

Hon. W. L. Dean, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

H. B. No. 54, A bill to be entitled "An Act to amend Section 17 of Chapter 83, approved March 16, 1917, relating to the prospecting and development of minerals in the public lands so as to appropriate to the General Revenue the proceeds arising from the royalties from oil and gas developed in areas other than land belonging to the public free school fund and the several asylum funds instead of appropriating said proceeds to the Game, Fish and Oyster Fund, and declaring an emergency,"

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass and be not printed.

Parr, Chairman; Buchanan of Bell, Hudspeth, Johnson of Hall, Decherd, Buchanan of Scurry.

(Floor Report.)

Senate Chamber,
Austin, Texas, Sept. 26, 1917.

Hon. W. L. Dean, President of the Senate.

Sir: We, your Committee on Roads, Bridges and Ferries, to whom was referred

H. B. No. 56, A bill to be entitled "An Act to repeal all Special Road Laws heretofore enacted for Titus

County, Texas, and to specifically repeal Chapter 106 of Special Laws of the Regular Session of the Thirty-third Legislature, 1913, and declaring an emergency."

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass and be not printed.

Caldwell, Chairman; Smith, Gibson, Buchanan of Scurry, Strickland.

Committee Room,
Austin, Texas, Sept. 26, 1917.

Hon. W. L. Dean, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 37, A bill to be entitled "An Act to amend Section 45. of Chapter 31. of the Acts of the First Called Session of the Thirty-fifth Legislature, such section being an amendment to the law regulating the use and operation of motor vehicles upon the public highways passed at the Regular Session of the Thirty-fifth Legislature, and which amendment provides penalties for the violation of certain provisions of said Act of the Regular Session of the Thirty-fifth Legislature, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass and be not printed.

PAGE, Chairman.

Committee Room,
Austin, Texas, Sept. 25, 1917.

Hon. W. L. Dean, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 39, A bill to be entitled "An Act to amend Sections 6 and 7 of Chapter 31 of the Acts of the First Called Session of the Thirty-third Legislature of the State of Texas, which Act was entitled 'Intoxicating Liquors—prohibiting the shipment of same into prohibition territories, prohibiting any person, firm or corporation from soliciting or taking orders in any county, justice precinct, town, city, or other subdivision of a county where the qualified voters thereof have by a majority vote prohibited the sale of intoxicating liquors; providing, how-

ever, that nothing in said Act shall make it unlawful for any person, firm or corporation licensed under the laws of the State of Texas to sell ethyl alcohol to the owner, agent or employe of retail drug stores, to take orders for ethyl alcohol when such sales are made in compliance with the laws of this State; and providing that it shall not be unlawful for intoxicating liquors to be received for the use of his, their or its business only, by any drug stores in which drugs are compounded and employing a registered pharmacist, or by any educational or eleemosynary institution, or by any public or private hospital, or by any manufacturer or the owner or proprietor of any manufacturing establishment, or by any firm, person or corporation engaged in the wholesale drug business; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass and be not printed.

PAGE, Chairman.

Committee Room,
Austin, Texas, Sept. 26, 1917.

Hon. W. L. Dean, President of the Senate.

Sir: Your Committee on Criminal Jurisprudence, to whom was referred S. B. No. 38, A bill to be entitled "An Act to amend Article 598 of Chapter 7, Title XI of the Revised Penal Code of the State of Texas, and Article 5716, Title 88 of the Revised Civil Statutes of the State of Texas so as to permit the sale in any county or subdivision thereof, or in any city or town in which the sale of intoxicating liquor has been prohibited, of wines for sacramental purposes, and so as to permit the sale of ethyl alcohol by wholesale druggists to retail druggists and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass and be not printed.

PAGE, Chairman.

Committee Room,
Austin, Texas, Sept. 26, 1917.

Hon. W. L. Dean, President of the Senate.

Sir: Your Committee on Crim-

inal Jurisprudence, to whom was referred

S. B. No. 40, A bill to be entitled "An Act to amend Chapter 6, Title 126 of the Revised Civil Statutes of the State of Texas, which chapter provides for a tax on intoxicating liquors in local option territory, so as to add thereto Article 7475a, which added article provides that the preceding articles of said chapter shall not apply to sales of ethyl alcohol in quantities of one gallon or more by persons, firms or corporations engaged in the wholesale drug business to any owner, proprietor, agent or employe of any retail drug store in which drugs are compounded and employing a registered pharmacist, where such sales are made for the purpose of being used in said retail drug business, and levying a tax and providing for the procuring of a license by such persons, firm or corporation engaged in the wholesale drug business and located within any territory where local option is in force, before making such sales, and providing regulations for the issuance of such licenses, and declaring an emergency"

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass and be not printed.

PAGE, Chairman.

(Floor Report.)

Senate Chamber.

Austin, Texas, Sept. 26, 1917.

Hon. W. L. Dean, President of the Senate:

Sir: We, your Committee on Town and City Corporations, to whom was referred

H. B. No. 46, A bill to be entitled, "An Act to amend Article 925, Chapter 6, Title 22, Revised Civil Statutes of Texas, 1911; providing for the levy and collection of an ad valorem tax by a city or town sufficient to meet interest payments and to create a sinking fund on all indebtedness incurred prior to the adoption of the constitutional amendment in 1883, regarding the power of a city or town to levy and collect taxes; providing for the levying and collection of taxes by a city or town for current expenses, the erection and equipment, of, or the purchase of

public buildings, water works, sewers, and other permanent improvements, for the construction of roads, bridges and streets and for the support and maintenance of public free schools, for the purchase of sites, creation and equipment of public free school buildings, applying the law to certain districts, classifying districts, and declaring an emergency."

Have had the same under consideration, and beg leave to report same back to the Senate with the recommendation that it do pass and be not printed, but be printed in the Journal.

Johnston of Harris, Chairman; Bee, Page, Suiter, McNealus, Collins, Lattimore.

By Spencer of Wise. H. B. No. 46.

A BILL
to be entitled

An Act to amend Article 925, Chapter 6, Title 22, Revised Civil Statutes of Texas, 1911, providing for the levy and collection of an ad valorem tax by a city or town sufficient to meet interest payments and to create a sinking fund on all indebtedness incurred prior to the adoption of the constitutional amendment of 1883, regarding the power of a city or town to levy and collect taxes; providing for the levy and collection of taxes by a city or town for current expenses; the erection and equipment of, or the purchase of public buildings, water works, sewers and other permanent improvements, for the construction of roads, bridges and streets, and for the support and maintenance of public free schools and for the purchase of sites, erection and equipment of public free school buildings, applying the law to certain districts, classifying districts, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 925, Chapter 6, Title 22, Revised Civil Statutes of Texas, 1911, be amended so as to hereafter read as follows:

Article 925. The city or town council or board of aldermen of any city or town or commission of any city or town in this State, incorporated under the General Laws,

shall have the power, by ordinance, to levy and collect an annual ad valorem tax sufficient to meet interest payments, and to create a sinking fund on all indebtedness legally incurred prior to the adoption of the constitutional amendment in 1883, regarding the power of a city or town to levy and collect taxes, etc., and may levy and collect twenty-five cents on the one hundred dollar valuation of all property in such city or town for current expenses, and may levy and collect an additional twenty-five cents on the one hundred dollar valuation for the purpose of the erection and equipment or the purchase of public buildings, water works, sewers and other permanent improvement, except building sites and buildings for the public free schools, within the limits of such city or town, and shall have power, by ordinance, to levy and collect a tax not to exceed fifteen cents on the one hundred dollars valuation of property for the construction and improvement of the roads, bridges and streets of such city or town within its limits, and shall have power, by ordinance, to annually levy and collect such ad valorem tax for the support and maintenance of public free schools and for the erection and equipment of public free school buildings in the city or town, where such city or town is a separate and independent school district, as the electors of any such district may determine under the provisions of Chapter 169, Acts of the Thirty-fifth Legislature. Within the meaning of this Article shall be included all such separate and independent school districts that the management and control of the public free schools therein has been assumed or a city or town under the provisions of Chapter 17, Title 48, Revised Civil Statutes of Texas, 1911, and amendments thereto; the boundaries of such districts shall be coincident with the city or town, as incorporated, in such cities and towns as have not extended their lines for school purposes only, and in such cities and towns as have extended their lines or may hereafter extend their lines for school purposes only, under the provisions of Article 2883, Revised Civil Statutes of Texas, 1911, the boundaries of such districts shall be coincident with the boundaries of the city

or town as extended for school purposes only, and all such separate and independent districts shall be classified as municipal districts.

Sec. 2: The importance of the passage of this measure to the people of Texas, and the shortage of proper and adequate school buildings and the lack of proper heating and ventilation of present buildings for the comfort and health of the children of this State, creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and that this Act be in full force and effect from its passage, and it is so enacted.

Enrolling Committee Reports.

Committee Room.

Austin, Texas, Sept. 26, 1917.

Hon. W. L. Dean, President of the Senate.

Sir: Your Committee on Enrolled Bills beg leave to report that we have carefully compared Senate Concurrent Resolution No. 3, copy of which accompanies this report, and find the same correctly enrolled and have this day at 10:45 o'clock a. m. presented same to the Governor for his approval.

SMITH, Chairman.

Committee Room.

Austin, Texas, Sept. 26, 1917.

Hon. W. L. Dean, President of the Senate.

Sir: Your Committee on Enrolled bills beg leave to report that we have carefully compared Senate Bill No. 29, a copy of which accompanies this report, and find the same correctly enrolled and have this day at 4 o'clock p. m. presented same to the Governor for his approval.

SMITH, Chairman.

Committee Room.

Austin, Texas, Sept. 26, 1917.

Hon. W. L. Dean, President of the Senate.

Sir: Your Committee on Enrolled Bills beg leave to report that we have carefully compared Senate Bill No. 26, copy of which accompanies this report, and find the same correctly enrolled and have this day at 4 o'clock p. m. presented

same to the Governor for his approval.

SMITH, Chairman.

Committee Room.

Austin, Texas, Sept. 26, 1917.

Hon. W. L. Dean, President of the Senate.

Sir: Your Committee on Enrolled Bills beg leave to report that we have carefully compared Senate Bill No. 7, copy of which accompanies this report, and find the same correctly enrolled and have this day at 10:45 o'clock a. m. presented same to the Governor for his approval.

SMITH, Chairman.

By Page and Caldwell. S. B. No. 7.

"An Act to prevent the introduction into the State of Texas of the destructive cotton pest, *Pectinophora gossypiella* Saund.; hereinafter referred to as the pink boll worm, and to control and eradicate such insect pest in the event its presence in this State is discovered, creating a zone along the boundary between the State of Texas and the Republic of Mexico, providing for the inspection of fields of cotton and for the inspection and general control of cotton and cotton products produced in such zone; providing for the quarantine of any territory in such zone whenever the pink boll worm in any of its stages shall be discovered within such zone or adjacent thereto in the Republic of Mexico; providing for the quarantine and control of any territory within the State in which the pink boll worm may be found, and for the eradication of the pest, and for compensation for cotton or fields that may be destroyed under the provisions of the Act; providing for an appropriation and creating an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. There is hereby created a zone along the boundary between the State of Texas and the Republic of Mexico, comprising the counties of El Paso, Hudspeth, Culberson, Jeff Davis, Presidio, Brewster, Terrell, Val Verde, Kinney, Maverick, Webb, Zapata, Starr, Hidalgo, and Cameron, and that part

of Dimmit County south of a line drawn diagonally across the county from the northwest corner of the county where it joins Zavala and Maverick counties to the southeast corner of the said Dimmit County on the line of La Salle County, for the purpose of aiding in the prevention of the introduction into this State of the cotton pest, *pectinophora gossypiella* Saund., hereinafter referred to as the pink boll worm.

Sec. 2. Whenever the Secretary of Agriculture of the United States shall certify to the Governor of this State that the pink boll worm in any of its stages of development, including the egg, larva, pupal, and adult stages, has been discovered in Mexico within fifty miles of the Texas border, it shall be the duty of the Governor to proclaim that part of the zone established by Section 1 adjacent to the location of the pest and for a distance of not less than fifty miles in such zone along the border of the State a closed zone from which it shall be unlawful to transport any cotton or cotton products to any part of the State from such closed zone embraced in the proclamation of the Governor; provided, however, that it shall be the duty of the Commissioner of Agriculture of Texas to make a thorough inspection of the cotton fields and cotton and cotton products in such closed zone, and if such investigation determines the fact that there is no pink boll worm in such closed zone, and no pink boll worm in any of its stages of development in any territory within the State of Texas or without the United States, and adjacent to said zone and not less than fifty miles from such closed zone, then in such event after such finding of fact by him he shall certify such finding to the Governor, who may by proclamation declare it lawful for cotton grown in such closed zone and its products to be transported from such closed zone under such condition as may be deemed essential to the protection of the cotton industry of this State.

Sec. 3. At any time the Secretary of Agriculture of the United States shall report the presence of pink boll worm within twenty-five miles of the Texas border, the Governor shall cause a special examination to be made by the Commissioner of

Agriculture of this State of the danger of infestation of Texas fields by the pest, and if such report, in the judgment of the Governor, shall justify such action, he shall declare the growing of cotton in the said zone for such distance adjacent to the known location of the pink boll worm as may be deemed necessary to assure the prevention of the introduction of the pest, a public menace, and thereafter it shall be unlawful for any person or persons to grow cotton in such territory so set apart, or to transport any cotton, or its products from such zone to any other point in Texas, so long as such condition of menace to the cotton industry be deemed to exist.

Sec. 4. It shall be the duty of the Commissioner of Agriculture of this State to maintain a rigid inspection of the cotton fields, and of the cotton and cotton products in the zone provided for in Section 1 of this Act, in such manner as to determine the presence of pink boll worm in all stages of development, and whenever the pest is discovered in such zone the Commissioner shall certify that fact to the Governor of the State, who shall immediately proclaim a quarantine of such territory in the zone, and such territory adjacent thereto, as may be deemed necessary to prevent further advance of the pest into Texas; and thereafter it shall be unlawful for any person or persons to transport cotton, or cotton products of any kind from any territory within the counties in such zone, or the territory adjacent thereto embraced in such quarantine proclamation, through or to any other part of the State of Texas, or transport any car or vehicle or freight or other article contaminated with cotton seed, or other products of cotton capable of carrying the pink boll worm in any of its stages from the counties embraced in such zone through or to any other point in Texas, unless and until it shall have been freed from cotton seed or other cotton products and shall have been properly fumigated or disinfected in such manner as the Commissioner of Agriculture of this State shall direct. Any and all such fumigation or disinfection and the cost of such protective measures against the spread of the pink boll

worm shall be paid by the owners of the cotton or cotton products or of the car, vehicle, freight, or other article used for such transportation of cotton or its products.

Sec. 5. If the cotton pest known as the pink boll worm in any of its different stages shall be found in the State, and outside the zone provided for in this Act, the Commissioner of Agriculture of this State shall immediately certify that fact to the Governor, who shall proclaim a special zone or quarantine district surrounding the known location of the pest to such extent as may be determined sufficient to prevent the spread of the pink boll worm, and it shall be unlawful for any person or persons to ship any cotton products of any kind from such quarantined district or transport any car or vehicle, or freight, or any other article contaminated with cotton seed, or other cotton product capable of carrying the pink boll worm in any of its stages from the quarantined area through or to any other point in this State unless and until it shall have been freed from cotton seed or other cotton product, and shall have been fumigated or disinfected in such manner as the Commissioner of Agriculture of this State shall direct. Any and all such fumigation or disinfection and cost of such protective measures against the spread of the pink boll worm shall be paid by the owners of the cotton or its products or by the owners of the car, vehicle or freight or other article employed in its transportation.

Sec. 6. If it shall become necessary in the judgment of the Commissioner of Agriculture of this State to the protection of the cotton industry of Texas that the Commissioner shall destroy cotton and cotton plants in any field or fields in which the pink boll worm may have been discovered, or in any fields in the vicinity of such infested fields, he shall report such condition and certify a recommendation to that effect to the Governor, who shall thereupon declare such cotton or fields of cotton a public menace, and upon the promulgation of such proclamation the Commissioner of Agriculture shall be empowered to exercise all authority requisite to the complete destruction of such cotton or cotton plants in such field or fields, and it

shall be his duty to effect such destruction in such manner as may be deemed essential to the eradication of the pest and to the adequate protection of the cotton industry of this State. In the event it shall be found necessary in the accomplishment of the purposes of this Act to destroy any field or fields of cotton, the county judge of the county in which such field or fields may be located shall immediately appoint three disinterested citizens, whose duty it shall be carefully to examine such field or fields of cotton and report their conclusions of the value of the cotton in such field or fields to be destroyed to the county judge. Before entering upon the duties required of them, such citizens shall take an oath before some officer legally qualified to administer oaths that they will discharge impartially the duties herein provided for. When the report of the said three citizens shall be filed with the county judge it shall be his duty to transmit the same with his endorsement to the Commissioner of Agriculture of the State, who shall certify to the fact of such field or fields of cotton having been destroyed in pursuance of the provisions of this Act, and he shall then file such report and certificate with the State Comptroller, who shall issue his warrant upon the State Treasurer for such sum as may be declared just and due in such report, which sum shall be paid from any funds in the State Treasury not otherwise appropriated. Provided, if any person whose cotton or field of cotton has been destroyed according to the provisions of this Act is dissatisfied with the estimate of damage assessed by the said three citizens he shall have the right of appeal to any court of competent jurisdiction.

Sec. 7. If it shall be deemed necessary by the Commissioner of Agriculture to the protection of the cotton industry of Texas that the growing of cotton in any quarantined district known to be infested with the pink boll worm, or in any part of such quarantined district, constitutes a certain danger to the cotton industry of the State he shall certify such conclusion to the Governor, who shall thereupon proclaim the growing of cotton in such district a public menace, and thereafter it shall be unlawful to grow cotton in such district for such term of years

as the proclamation may designate, or so long as such conditions of menace to the cotton industry shall be deemed to exist.

Sec. 8. For the purposes of complying with the requirements of this Act in preventing the introduction of the pink boll worm into Texas, or to eradicate the pest if its presence shall be discovered in the State, the Commissioner of Agriculture and his authorized agents shall have power to enter into any field or fields of cotton or upon any premises in which cotton or its products may be stored or held, and may examine any products or container of cotton or its products, or thing or substance liable to be infested with the pink boll worm in any of the stages of its development. For the purpose of effecting the provisions of this Act, the Commissioner of Agriculture may employ and prescribe the duties of such inspectors as may be necessary and fix their compensation.

Sec. 9. It shall be the duty of the Commissioner of Agriculture of this State to co-operate with the Secretary of Agriculture of the United States in any measure authorized and to be undertaken by the Federal government in preventing the introduction of the pink boll worm into the United States through the State of Texas.

Sec. 10. It shall be the duty of any person or persons upon whose premises any pink boll worm shall appear to report the presence of such cotton pest to the Commissioner of Agriculture of this State, and any failure, knowingly, on the part of any such person or persons to make such report promptly shall, upon conviction, subject such person or persons to a fine of not less than one hundred (\$100.00) dollars and not more than one thousand (\$1,000.00) dollars for each offense. And any person or persons who may know of the presence of the pink boll worm in any locality in this State and who shall fail to report the location of such pest to the Commissioner of Agriculture shall, upon conviction, be subject to a like fine.

Sec. 11. Any person or persons who may transport any cotton or cotton products by any means from any territory in this State which has been quarantined and placed under restrictions by proclamation of the Governor of the State in accordance with the authority conferred by the

conditions of this Act, to any part of the State in violation of this Act or of either of the proclamations, and restrictions authorized by this Act, shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in any sum not less than five hundred (\$500.00) dollars and not more than five thousand (\$5,000.00) dollars, and each transaction of each product so shipped or transported shall constitute a separate offense.

Sec. 11a. Before any quarantine shall be declared or established embracing any section or territory within this State pursuant to any of the provisions of this Act, the Commissioner of Agriculture of this State shall cause to be made a thorough examination of the territory and premises believed to be infected by a competent and experienced entomologist, who shall, after going upon the said premises, and after making the said examination in person, report the result thereof to the Commissioner of Agriculture; should said report disclose the fact that the pink boll worm in any of its stages exists within the territory under investigation, said person who made the examination shall make a statement in writing setting forth, among other things, the following facts:

1. The date when such examination was made.
2. The name or names of the person or persons who were present when such examination was made.
3. The locality where said pink boll worm was found.
4. The name or names of the owners of the premises.
5. The extent of the infection, and the number and description of the different localities infected.
6. The necessary steps to be taken in dealing with the said infection and the proper safeguards to be employed.
7. Any other information deemed necessary to be given preparatory to dealing with said infection.

Said statement shall be duly verified by the oath of the person making the said examination, the same shall be filed and preserved in the office of the Commissioner of Agriculture, and shall be open to the inspection of the public.

Sec. 12. To defray the expense of this Act for the two fiscal years ending August 31, 1918, and August 31, 1919, there is hereby appropriated out

of any funds of the State Treasury, not otherwise appropriated, the sum of ten thousand (\$10,000) dollars, or so much thereof as may be necessary to maintain, adequate inspection of the territory designated in this Act, and to investigate the probable presence of the pink boll worm in the State, and to establish, and maintain adequate quarantine of any infested area that may be discovered within the State. All expense incurred under this Act in the enforcement of its provisions shall be paid as are other expenses of a similar character incurred by the Department of Agriculture of the State.

Sec. 13. The provisions of the several sections of this Act shall be construed as cumulative in effect and shall not be held to modify the provisions, restrictions or requirements of other sections; and if any provisions of this Act shall be declared by proper judicial action to be unconstitutional that fact shall not operate to invalidate other provisions.

Sec. 14. The near approach of the close of this Special Session, and the seriousness of the menace to the cotton industry of Texas, creates an emergency, and an imperative public necessity that the constitutional rule requiring bills to be read on three several days, should be, and the same is hereby suspended, and that this Act take effect from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, Sept. 26, 1917.

Hon. W. L. Dean, President of the Senate.

Sir: Your Committee on Enrolled Bills beg leave to report that we have carefully compared Senate Bill No. 8, copy of which accompanies this report, and find the same correctly enrolled and have this day at 10:45 o'clock a. m., presented same to the Governor for his approval.

SMITH, Chairman.

By Johnston of Harris. S. B. No. 8.

An Act to provide for the creation of Home Guards under the direction of the commissioners court of the county; providing for the regulation of such Home Guard and granting the right to counties, cities and towns to appropriate money to provide arms and ammunition for such

Home Guard and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That whenever a state of war exists between the United States and another nation there may be created and organized with the consent and under the direction of the county court of any county, a Home Guard composed of citizens of such county and of the United States of America over the age of 21 years.

Sec. 2. Such Home Guard shall at all times be subject to the orders of the sheriff of such county, and the members thereof as a whole and individually shall at all times be subject to the call to duty by the sheriff to preserve order in any section of the county; provided, such Home Guard as a whole or as individuals shall be authorized to carry on and about their person pistols and such other weapons as may be necessary when called to actual duty by the sheriff.

Sec. 3. Such Home Guard shall be organized to conform as nearly as practicable to the organization of military units.

Sec. 4. Such Home Guard may engage in such drills at such times and places as the commanding officer may prescribe, and may be uniformed in manner not to conflict with Section 125, Act of the Congress of the United States, approved June 3, 1916.

Sec. 5. The organization and maintenance of such Home Guard shall be without expense to the State of Texas, or any county, city, or town; provided, however, that counties, cities and towns may through their lawfully constituted governing bodies appropriate from their public treasuries moneys wherewith to provide arms and ammunition for such Home Guard under such rules and regulations as they may prescribe; provided that all persons who receive arms from the county shall return all guns and ammunitions to the county judge when they are not on duty.

Sec. 6. There being now no adequate law providing for the organization and service of Home Guards, and the United States now being engaged in war with a foreign nation, creates an emergency and an imperative public necessity requiring that the constitutional rule requiring that a bill be read on three several days be suspended, and the same is hereby sus-

pended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, Sept. 26, 1917.

Hon. W. L. Dean, President of the Senate.

Sir: Your Committee on Enrolled Bills beg leave to report that we have carefully compared Senate Bill No. 11, copy of which accompanies this report, and find the same correctly enrolled and have this day at 10:45 o'clock a. m., presented same to the Governor for his approval.

SMITH, Chairman.

By Hall.

S. B. No. 11.

An Act to regulate the business of emigrant agents; defining agents; providing for licensing any person, firm or private employment agency desiring to be licensed as an emigrant agent, and prescribing the method of obtaining such license and the requirements thereof, and defining who may be licensed; prescribing certain duties relative to the Act and its administration for the Commissioner of Labor Statistics and the Attorney General, and conferring certain authority relative to the administration of this Act upon said Commissioner; fixing the fees which may be charged by parties licensed hereunder, and fixing the license fees to be paid by those licensed hereunder; creating and defining offenses for violations of this Act, and prescribing the punishment therefor; providing that municipal employment bureaus and employment agencies operated purely for charitable purposes shall be exempt from the provisions of this Act; providing that all fees collected hereunder shall be paid directly into the State Treasury; declaring that all appropriations made for the Department of the Commissioner of Labor Statistics may be used in the enforcement and administration of this Act, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That no person, firm or private employment agency shall carry on the business of an emigrant agent in this State without first having obtained a license therefor from the

Commissioner of Labor Statistics of the State of Texas.

Sec. 2. The term "Emigrant Agent" as contemplated in this Act shall be construed to mean any person who for compensation or fees paid or to be paid directly or indirectly by those employed or solicited to emigrate is engaged in hiring laborers or soliciting emigrants in this State to be employed beyond the limits of this State.

Sec. 3. Any person, firm or private employment agency desiring to be licensed hereunder as an emigrant agent shall make application to the Commissioner of Labor Statistics on forms to be prescribed by said Commissioner, in which he shall state his name, age, place where his business is to be conducted, his previous occupation for the past five years, and the names of the counties of the State in which he expects to engage in the business of hiring laborers or soliciting emigrants in this State to be employed beyond the limits of the State, such application shall, also, be accompanied by affidavits of at least three credible men that the applicant is of good moral character. The Commissioner of Labor Statistics may require other and additional evidence of the moral character of the applicant, if necessary; and no license shall be granted to any person except one of good moral character. Such application shall be examined by the Commissioner of Labor Statistics and if he finds that the same in all respects complies with the law and that the applicant is entitled to a license under this Act, then he shall issue a license to the applicant for each county for which application is made, and shall deliver such license to the applicant upon the payment of a license fee of fifty dollars for each county in which an office is to be maintained by said agent, and the execution of a good and sufficient bond in the penal sum of five hundred dollars for each county to be approved by said Commissioner of Labor Statistics and conditioned that the obligor will not violate any of the duties, terms, conditions and requirements of this Act. Said Commissioner is authorized to cause action to be brought on said bond by the Attorney General for any violation of any of its conditions; and any person aggrieved by any action or conduct of any such licensed party may bring action for

damages against such party on said bond and recover thereon and against the bondsmen in any court of competent jurisdiction without the necessity of making the State a party thereto. On a full hearing the Commissioner may revoke any license for any violation of the provisions of this Act.

Sec. 4. It shall be the duty of every party licensed hereunder to keep and maintain an office, at which office a complete record of the business transacted shall be kept; there shall be kept a substantial book in the form prescribed by the Commissioner of Labor Statistics, in which shall be entered the age, sex, nativity, trade or occupation, name and address of every person or laborer hired or emigrant solicited to be employed beyond the limits of this State and where such person or emigrant was directed to go, and the address of such person or emigrant was directed to go, and the address of such person or emigrant, if known. Such licensed party shall also enter in a register the name and address of every person who shall make application for laborers or emigrants to be employed beyond the limits of this State. All the books and registers, correspondence, memoranda, papers and records of every party licensed hereunder shall be subject to examination at any time by the Commissioner of Labor Statistics, his deputies and inspectors. The fees charged for hiring laborers or soliciting emigrants in this State for employment beyond the limits of this State shall not exceed two dollars (\$2.00) for each such person or emigrant; and the fees charged any person who desires to find labor beyond the State or to emigrants beyond the boundaries of the State for the purpose of obtaining employment shall not exceed two dollars (\$2.00) for each such person, and in no event shall more than two dollars (\$2.00) be collected from any one for the same person who seeks employment beyond the State as a laborer or emigrant. Provided that in all cases where the applicant who seeks employment beyond the State does not obtain such employment through the party licensed hereunder, then such party must return all fees collected from such applicant within thirty days after same has been collected.

Sec. 5. It shall be the duty of the Commissioner of Labor Statistics to enforce this Act, and when any violation thereof comes to his knowledge it shall be his duty to institute criminal proceedings for the enforcement of its penalties before any court of competent jurisdiction.

Sec. 6. Any person engaging in the business governed and regulated by this Act, except in accordance with the provisions hereof and except he be licensed, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than one hundred dollars nor more than three hundred dollars for each such offense, or by imprisonment in the county jail for not less than thirty days nor more than ninety days, or by both such fine and imprisonment. Provided nothing in this Act shall be construed to apply to municipal employment bureaus or employment agencies operated purely for charitable purposes.

Sec. 7. The license fees collected under the provisions of this Act by the Commissioner of Labor Statistics shall be paid directly into the State Treasury, provided that all such fees collected during the fiscal year, beginning September 1, 1917, and ending August 31, 1918, and during the fiscal year beginning September 1, 1919, are hereby appropriated for the use of the Commissioner of Labor Statistics to be used by him in the enforcement of the provisions of this Act and shall be paid out on warrants properly drawn by the Commissioner of Labor Statistics and approved and countersigned by the Comptroller of the State of Texas, and any surplus thereof remaining at the end of either of said years shall remain in the State Treasury and be by the State Treasurer placed in the general funds of the State.

Sec. 8. All appropriations heretofore made for the support and maintenance of the Department of the Commissioner of Labor Statistics may be used in the enforcement and administration of this Act.

Sec. 9. There being no adequate laws on the statutes of this State regulating the business of those engaged in hiring laborers or soliciting emigrants in this State to be employed beyond the limits of same, and there being a great abuse and many injustices arising out of such

occupation at the present time, creates an emergency and an imperative public necessity which requires that the constitutional rule providing that bills shall be read on three several days in each house be suspended, and said rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, Sept. 26, 1917.

Hon. W. L. Dean, President of the Senate.

Sir: Your Committee on Enrolled Bills beg leave to report that we have carefully compared Senate Bill No. 6, copy of which accompanies this report, and find the same correctly enrolled and have this day at 4 o'clock p. m. presented same to the Governor for his approval.

SMITH, Chairman.

By Harley.

S. B. No. 6.

"An Act to further regulate the conducting of fish hatcheries and the propagation of fish in this State by amending Article 4000 of the Revised Civil Statutes of this State, 1911, as amended by Chapter 146 of the Acts of the Thirty-third Legislature, providing for the distribution by State Fish Hatcheries of fish to private persons, providing that the Game, Fish and Oyster Commissioner of the State of Texas, as well as the United States Commissioner of Fisheries, or their duly authorized agents, may take or catch brood fish from the public fresh waters of this State, for the purpose of propagation; according to the United States Commissioner of Fisheries and his duly authorized agents the right to conduct fish hatching and fish culture and all operation connected therewith in any manner and at any time that may be by them considered necessary and proper; providing for a closed season on crappie and bass; prescribing the size of fish that may be taken; providing a penalty for a violation of this Statute, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 4000 of

the Revised Civil Statutes of this State as amended by Chapter 146 of the Acts of the Regular Session of the Thirty-third Legislature be so amended as to hereafter read as follows:

Article 4000. It shall be the duty of the Game, Fish and Oyster Commissioner to collect the special tax imposed by this chapter and enforce its payment, to inspect all products so taxed and verify the weights and measures thereof, to collect all license fees, to collect all rents on locations for planting oysters, to examine or have examined all streams, lakes or ponds when requested so to do for the purpose of stocking such waters with fish best suited to such location, and he shall procure and furnish such stock fish from the nearest fishery and fish hatchery free of charge to any party or parties applying therefor. It shall be the duty of the Game, Fish and Oyster Commissioner to supply from the fish hatcheries and fisheries of this State free of charge to all parties applying therefor such number of fish for the purpose of stocking private lakes and ponds, or public waters, as may be available for distribution; provided, however, that the parties applying therefor shall pay all transportation charges on such fish and shall return to the hatchery or fishery all containers free of cost.

It shall be lawful for the Game, Fish and Oyster Commissioner of this State and his deputies to take at any time from the public fresh waters of this State all brood fish required by him in operation of such hatcheries for the purpose of propagation and culture. It shall also be lawful for the United States Commissioner of Fisheries and his duly authorized agents to take from public fresh waters of this State all brood fish necessary in the operation of Federal fish hatcheries, provided that no other fish except brood fish shall be so taken for any purpose.

Sec. 2. Be it further enacted that there is hereby accorded to the United States Commissioner of Fisheries and his duly authorized agents the right to conduct fish hatching and fish culture and all operations connected therewith at any time that may by them be considered necessary and proper, provided that they conduct the same within prescribed limits of the Federal fish hatcheries.

Sec. 3. It shall be unlawful for any person, firm or corporation or their agents to take, catch, seine, entrap by any means, or have in their possession any crappie or bass taken from any public fresh waters of this State from the first day of March to the first day of May of any year.

Sec. 4. If any person shall at any time catch or take from any public fresh water river, lake, bayou, lagoon, creek, pond, or other natural public artificial stream or pond of water within this State by use of any means whatsoever any crappie or bass of less than six inches in length, he shall immediately return same back into such public water; and that unnecessary injuring of such fish shall be deemed an offense under the provisions of this Act; provided that each such fish shall constitute a separate offense.

Sec. 5. Any person violating any of the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine in any sum not exceeding one hundred dollars.

Sec. 6. The fact that under the present law private parties are enabled to obtain fish from the fish hatcheries of this State, and the further fact that the appropriation made by the Federal Congress for the establishment of fish hatcheries in this State will be withheld until assent is given by the Legislature of this State for the establishment of such hatchery, creates an emergency and an imperative public necessity requiring the constitutional rule that bills be read upon three several days in each house be suspended, and such rule is suspended, and that this Act be put upon its third reading and final passage and take effect and be in force from and after its passage, and it is so enacted.

TWENTY-FIRST DAY.

Senate Chamber,
Austin, Texas,
Thursday, Sept. 27, 1917.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by President Pro Tem. Dean.

The roll was called, a quorum be-